

AUBURN CITY COUNCIL

RULES AND PROCEDURES

Adopted on July 17, 2014



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City of Auburn City Council

RULES AND PROCEDURES

Pursuant to the provisions of the City Charter Article II entitled “Officers, Powers and Duties”, Section 8 thereof, entitled “Meetings of Council,” the City Council of the City of Auburn hereby adopts the following as its **“RULES AND PROCEDURES.”**

I. REGULAR MEETINGS

Meetings of the Auburn City Council shall be held in the Council Chambers at Memorial City Hall, commencing at 6:00 p.m., weekly in Council Chambers at Memorial City Hall, 24 South Street, Auburn, NY or elsewhere upon public notice five days in advance thereof by resolution approved by Council.

II. SPECIAL MEETINGS

A special meeting may be held at any time upon the consent of the majority members of the Council.

A special meeting may be called at any time by any member of the Council upon two (2) days written notice, with a stated reason therefore, shall be signed by the member formalizing the request, and shall be filed with the Office of the City Clerk to become effective. The Clerk shall be required to contact all Councilors and the City Manager to obtain majority consent for the special meeting upon receipt of said request.

III. EMERGENCY MEETINGS

Emergency meetings may be held at any time upon the request of the City Manager, the Mayor and/or a member of the City Council at any time with two (2) hours notice. A call for an emergency meeting shall be made in writing, shall be signed by the member requesting the meeting and the reason for the emergency meeting, and shall be filed with the Office of the City Clerk. The Clerk shall be responsible to contact each member of Council, the City Manager, and notify the local media.

IV. PRESIDING OFFICER

The Mayor shall assume the chair of the Presiding Officer upon his or her inauguration into office. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of Council. He or she shall vote on all questions, his or her name being called last in the voting order. In debate, he or she shall confine speakers to the question under discussion. When two (2) or more speakers arise at the same time, he or she shall name the one entitled to the floor. He or she shall decide all questions of order.

V. AGENDA

A. Regular Meetings

1. All reports, communications, proposed Local Laws, ordinances, resolutions or other matters to be submitted to the City Council, should be submitted to each member of the Council at least three (3) business day(s) prior to each Council meeting, not later than 5:00 PM that day.
2. The City Manager shall be responsible for preparation of the agenda for meetings of the City Council. All reports, communications, proposed local laws, ordinances, resolutions or other matters introduced by the Mayor or a member of Council to be acted upon or considered by the Council at a business meeting or work session shall be submitted in writing to the City Manager's Office before noon on the Friday preceding the next meeting of the Council. The City Manager shall cause the agendas and supporting materials to be delivered the Friday preceding the next scheduled Council meeting.
3. Any new matters of City business submitted to the City Manager after the above time and day will not be considered by the Council until its next scheduled meeting. This requirement may, however, be waived by the Council by a majority of the body present to allow the introduction of the matter at the Council Meeting.
4. Each proposed legislative matter sought to be introduced by the Mayor or a member of the City Council shall first be submitted to the Corporation Counsel for approval as to its form and legality, and to insure proper integration into City law.

B. Special Meetings

For purposes of a special meeting, all relevant legislation and documents shall be presented to each member of the Council at least 24 hours prior to the time of the special meeting.

C. Amending the Agenda

The order of any item on the agenda may be modified at the commencement of the Council meeting by any member of the City Council of those present if moved without objection by the remainder of the Council. If any member of the Council present should object, the agenda may be amended by a majority vote of the total Council.

VI. CALL TO ORDER – PRESIDING OFFICER

The Presiding Officer shall take the chair at the hour appointed for the Council meeting, and shall immediately call the Council to order. In the absence of the Mayor, the members of Council will rotate chairing the meeting with the selected member calling the Council to order and assuming the responsibilities of the Presiding Officer. Upon the arrival of the Mayor, the temporary chairperson shall relinquish the chair upon the conclusion of the business immediately before the Council. At the discretion of the Presiding Officer, a delay of up to ten (10) minutes may be allowed for a member of Council to appear who is not yet in attendance at the time of the meeting.

VII. ROLL CALL

Before proceeding with the business of the City Council, the City Clerk, or the Deputy City Clerk, shall call the roll of the members, and the names of those present shall be entered into the minutes.

VIII. ORDER OF BUSINESS

A. City Council Meetings

Regular meetings of the Council shall be classified as either a Business Meeting or a Work Session Meeting. These meetings shall be defined as the following:

1. **Business Meetings** of the Council will be held on the first and third Thursday of each month. The purpose of the Business Meeting is to focus on matters brought before the Council that require a vote of the Council.
2. **Work Session Meetings** of the Council will be held on the second and fourth Thursday of each month. The purpose of the Work Session Meeting is to focus on matters brought

before the Council in the form of staff/vendor presentations about pertinent City issues or projects. While items requiring a vote of the Council should be placed on the agenda of a Business Meeting, voting may occur during a Work Session Meeting with the consent of a majority of Council members. Such votes should be reserved for matters that are considered time sensitive.

At all Regular (Business and Work Session) Meetings of the Council, the following order of business shall be observed:

1. Roll Call
2. Pledge of Allegiance
3. Moment of Silent Prayer or Reflection
4. Public Announcements
5. Ceremonial Presentations and Proclamations
6. Public To Be Heard
7. Approval of Meeting Minutes
8. Reports of City Officials (City Manager, Councilors)
9. Matters to Come Before Council
 - a. SEQR Resolutions
 - b. Ordinances
 - c. Local Laws
 - d. Resolutions
 - e. Tabled Items
 - f. Staff/Vendor Presentations
10. Other Business From the Council
11. Adjournment

B. Special Meetings

At a special meeting of the Council, the following order of business shall be observed:

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Moment of Silent Prayer or Reflection
4. Matters before Council
5. Adjournment

C. Executive Sessions

Upon a majority vote of the total membership of the City Council, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, the Council may conduct an executive session for the below enumerated purposes only, provided, however, that no action by the formal vote shall be take to appropriate public monies:

- a. matters, which will imperil the public safety, if disclosed;
- b. any matter which may disclose the identity of a law enforcement agent or informer;
- c. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- d. discussions regarding proposed, pending or current litigation;
- e. collective bargaining negotiations pursuant to article fourteen of the civil service law;
- f. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension or removal of a particular person or corporation;
- g. the preparation, grading or administration of examinations;
- h. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof; and
- i. any matter made confidential by Federal or State law. Section 4503 of the Civil Practice Law and Rules which establishes that a confidential communication between attorney and client shall be privileged. Pursuant to this section, Council will be receiving legal advice from its attorney which fulfills the requirement provided in Section 108(3) of the Public Officers Law allowing this exemption.

Attendance at an executive session shall be permitted to any member of the public body and any other persons authorized by the public body.

(The above is taken from the New York State Public Officers Law, Article 7, Open Meetings Law, § 105. Conduct of executive sessions.)

IX. PETITIONS, PRESENTATIONS, PROCLAMATIONS, COMMUNICATIONS, REPORTS, LEGISLATION

A. All petitions, presentations, proclamations, communications, resolutions, ordinances, and Local Laws shall be in writing, and numbered in consecutive order with an annual index number attached thereto. Report of City Officials and/or committee reports may be either in writing or given orally.

B. Unless by unanimous consent by the City Council, all petitions, presentations, proclamations, communications, written reports of City Officials, resolutions, ordinances, and Local Laws shall be read in their entirety at regular and special sessions of Council.

C. The Presiding Officer and/or a Councilor may, at any time, in his or her motion, refer any petition, presentation, proclamation or communication, when presented, to the City Manager or to any appropriate body of the City of Auburn, unless otherwise ordered by the Council, and shall request a report thereon at the second succeeding regular meeting of the Council unless such time to do so is extended by the Council.

D. Report of Disbursements: The Council shall receive twice monthly the claims list supplied by the City Manager which is made available through the Office of the City Comptroller.

E. In all cases where a resolution, ordinance or Local Law shall have been tabled, such legislation shall be stricken from the agenda and may not be acted upon by the Council unless it shall have been brought from the table for discussion or other action no later than the end of the third regular meeting after such legislation was tabled. Such legislation shall appear under the title of "Tabled Legislation" on each subsequent agenda of the City Council and can be resubmitted on a new agenda.

X. PROCEDURE: PUBLIC COMMENTS

A. PUBLIC TO BE HEARD

The Council shall reserve time on the Council meeting agenda for the public to be heard. This public portion of all regular meetings of the Council is open to any individual wishing to speak on issues before or involving the City Council, the City government, or on matters of general City Concern. Individuals wishing to speak before Council shall be allowed to do so subject to the following rules:

1. Speakers will be required to use the microphone situated at each podium located in the Council chambers;
2. Prior to addressing the Council, speakers first will be required to state their name, address and organization affiliation, if any;
3. Questions and comments should be addressed to the entire Council and not to individual Council members, nor to the Manager or staff.
4. A limit of three (3) minutes will be allotted to each speaker on any given topic;

5. Council members may, upon recognition of the Chair, interrupt a speaker during their remarks, but only for the purpose of clarification of information;
6. A speaker who does not need a full three (3) minutes may not yield the unused portion of their time to another person;
7. It is expected that speakers before the Council will observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Personal attacks upon individuals will be ruled out of order, as well as, the use of intemperate, abusive and defamatory language;
8. The Council in addition to, or in lieu of, oral presentations will receive written statements.
9. Consultants of other parties, paid or retained by the City, may be taken out of order on the agenda at any meeting they attend. It is the responsibility of the City Manager or department head to identify the consultant to the Council.
10. The Council shall not immediately address the concerns of any individual speaker until all members of the public desiring to be heard have had the opportunity to speak.
11. Once all individuals from the public desiring to be heard have spoken the Presiding Officer shall close that portion of the meeting. The Presiding Officer shall then facilitate addressing individual matters brought forth during this public portion of the meeting with the assistance of the City Manager. Any members of Council may provide input upon recognition of the Presiding Officer.

B. PUBLIC HEARINGS

The following Rules of Procedure shall apply to any Public Hearing conducted by the City Council or any Council Committee:

1. When calling a Public Hearing to order, the Presiding Officer shall request all persons who wish to speak to file their name, address, and the name of any group they represent.
2. No persons shall be granted permission to speak more than once during the public hearing period.
3. Speakers shall be permitted to speak without interruption. Only members of Council shall be permitted, upon recognition of the Presiding Officer, to question speakers at the conclusion of their remarks and questions should be asked only for the purpose of clarification of a topic presented.

4. Regarding conduct of the speakers, the same rules as set forth for speakers participating in the Public To Be Heard portion of a regular Council meeting shall apply.
5. After all persons have had an opportunity to speak at the public hearing, the Presiding Officer shall declare the hearing closed.

C. DECORUM

1. **Council Members:** While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.
2. **Individuals:** At all times when Council is in session, no member shall be subjected to derogatory or defamatory remarks, either directly or indirectly. If this is done, or attempted to be done, any member may interrupt the speaker and ask the Presiding Officer to declare the speaker out of order. If the Presiding Officer so rules, the speaker must refrain from any continuation of the objectionable remarks. The Presiding Officer may enforce this rule, if necessary, by causing the ejection from the meeting of the offending individual member. The Chair shall request the Auburn Police Department to assist the Council in said instances.

D. OTHER

1. **All other questions relating to the orderly conduct of meetings,** regular or special, shall be decided by the Presiding Officer under Robert's Rules of Order, as revised. An appeal from the ruling may be taken by any member of Council, and in such event, the question shall be put to a vote of the Council, and a majority vote shall prevail.
2. **Addressing the Council after Motion Made:** After a motion is made by Council, no member of the general public shall address the Council without first securing the permission of the Presiding Officer to do so.
3. **Authorized to be Within Rail:** No person, except City Officials and their representatives, as well as the members of the press shall be permitted within the rail in front of the Council Chambers without the express consent of the Council.

XI. MOTIONS

A. PRECEDENCE OF MOTIONS

When a question shall be under consideration, no motion shall be received except as herein specified, which motion shall have precedence in the order named, to wit:

1. For an adjournment or recess of the Council;
2. For the previous questions;
3. To lay on the table;
4. To postpone to a day certain;
5. To amend

B. DESIGNATED MOTIONS NEITHER AMENDABLE NOR DEBATABLE

All motions for an adjournment, or recess, for the previous question, or to lay on the table shall be neither amendable nor debatable.

C. MOTION TO RECONSIDER

A motion to reconsider must be made by a member who voted with the majority on the decision of the motion or resolution proposed to be reconsidered. When a motion to reconsider has been decided, it shall not again be submitted to the Council. The motion to reconsider must be made at the same Council Meeting wherein the initial vote took place.

D. MOVING THE “PREVIOUS QUESTION”

The “previous question” shall be as follows: “Shall the main question now be put?”, and until it is decided, shall preclude all amendment and debate. Whenever Council shall order the previous question and amendments are pending, the question shall be taken up first upon such amendments in reverse order and then upon the main question without further debate or amendment. A majority vote of those present shall be necessary for the previous question.

E. RECOGNITION BY CHAIR, REQUIRED

No member choosing to debate, to give a notice, make a motion or report, or to present a petition, or other paper, shall proceed until he or she shall have addressed the Chair and have been recognized by him or her.

F. CONDUCT WHEN QUESTION IS BEING PUT, ROLL IS BEING CALLED

While the Chair is putting a question, or while the roll is being called, no member shall speak or leave his place.

G. STATEMENT OF QUESTION PREREQUISITE TO DEBATE

No debate shall be in order until the pending question shall be stated by the Chair.

H. SPEAKING ON QUESTION

No member shall speak more than once on the same general question, without leave of the Council until every member desiring to speak on the question pending shall have spoken.

I. CALLING MEMBER TO ORDER

If any member in speaking transgresses the rule of the Council, the Presiding Officer or any other member may call to order, in which case the member so called to order shall immediately cease his or her comments until Council determines the point raised, and if the point of order be sustained, he or she shall not proceed further except in order.

J. QUESTIONS REGARDING PRIORITY OF BUSINESS

All questions relating to the priority of business, that is, the priority of one question or subject matter over another shall be decided by the Chairperson.

K. MOTION TO AMEND

1. Any agenda item may be amended by fulfilling one of the following requirements:
 - (a) By a majority vote of the members present at a regular or special meeting of the Council; or

- (b) On the consent of the sponsors and the member who has seconded the legislation, no vote shall be required.

- 2. Any amendment to a resolution or ordinance may be referred, delayed or otherwise disposed of without delay or prejudice to the ordinance itself.

L. MOTION TO TABLE

A motion may be made to lay on the table any item on the agenda and at such time discussion shall cease. The City Clerk will call the roll of the Council and upon a majority vote, the item shall be tabled. Any item so tabled may be added to the agenda during a subsequent meeting if requested by any member of the Council or it may be placed on any agenda by normal procedure prior to a meeting.

M. MOTION TO “CALL FOR THE QUESTION”

In the event any member of the Council requests a “call for the question,” a Councilor who has not, as yet, spoken on the matter shall be privileged to do so, should they desire, before the vote. Councilors who have already spoken on the matter shall not be granted such a privilege.

N. ILLEGAL/IMPROPER ACTS

Any motion or resolution, which, in effect, is a violation of law, or in conflict with any existing ordinance, shall be ruled out of order.

O. RECESS

Any member of the Council may request a recess at any time. A request for a recess must state the length of time and must be approved by rule of the Chair, or by a majority of the Council present.

P. ADJOURNMENT

A motion to adjourn shall always be in order and shall be decided without debate.

XII. DELIBERATIONS OF COUNCIL

A. **Robert’s Rules of Order** shall govern deliberations of the Council, except as otherwise provided for by its rules. The Robert’s Rules of Order shall be the most recently revised version. The Corporation Counsel shall act as Parliamentarian for the Council.

B. **Authority of Presiding Officer on Appeal:** On every appeal, the Presiding Officer shall have the right to assign reason for his or her decision. In case of such appeal, no member shall speak more than once. The Chair shall put the question, “Shall the ruling of the Chair be sustained?”, which question shall be decided by a majority of the members present.

XIII. VOTING

A. **Duty of Councilor to Vote on Question:** Every member who shall be in the room when a question is stated by the Chair shall either vote or abstain thereon unless he or she be excused, with the consent of the majority of the members present. Any member requesting to be excused from voting, may make, when his or her name is called and before the result is announced, a brief statement of the reason for making of such request, not exceeding two (2) minutes in time.

B. **Vote on Question with Several Propositions:** If a question in debate contains several distinct propositions, the same shall be divided by the Chair at the request of any member to the end that a vote may be taken on each proposition, but a motion to strike out and insert a portion or portions of the legislation must be done in a manner reviewing the legislation as a whole.

C. **Ayes and Nays on Questions:** The ayes and nays shall be taken on all questions. Once a vote is called, discussion shall be limited to one (1) minute per member.

D. **Voting Order:** The voting order for Council members, excluding the Mayor which is addressed in Section IV, shall begin with the Councilor seated to the Mayor’s immediate left and continues in a clockwise direction ending with the Councilor seated to the Mayor’s immediate right.

XIV. LOCAL LAWS

A. Enactment of Local Laws

No Local Law shall be passed except by at least the majority affirmation of the total voting power of Council. On the final passage of a Local Law, the question shall be taken by ayes and nays, which shall be entered into the official record.

B. Style of Local Law

The style of the Local Law shall be “Be it enacted by the City Council of the City of Auburn as follows...”

C. Content of Local Law

Every such Local Law shall embrace only one subject. The title shall briefly refer to the subject matter.

D. Preparation of Local Law

All Local Laws shall be prepared by the Office of the Corporation Counsel.

E. Procedure – Ordinances, Local Laws and Amendments

Any new ordinance, local law or amendment to the Municipal Code of the City of Auburn shall at its first appearance on the City Council agenda be presented to City Council by the formal reading thereof by the City Clerk and may thereafter be discussed by Council but shall not be formally acted and voted upon by Council until the next regularly scheduled meeting following first appearance.

XV. COMMITTEES

A. Special Committees: The City Council may, by majority vote, at any time, appoint a special committee. Such committees may, at any time, be changed, increased or abolished as deemed appropriate, by the appointing party.

B. Referrals to Committees: All committees of the City Council and officers to whom petitions, presentations, proclamations, ordinances and resolutions be referred, shall report thereon, at such time as deemed appropriate by the Presiding Officer and/or by the City Council. The report, when received, may be adopted, returned to the committee or action thereon postponed.

XVI. MINUTES

The official minutes of each Council meeting shall be maintained in the following two forms:

1. **Digital Video Recording:** The digital video recording shall be administered, produced, stored, and maintained by the Office of the City Clerk. These video recordings shall be posted to the city website (www.auburnny.gov) by the City Clerk's office for public viewing within one week of the date of each meeting. The City Clerk's office shall maintain the archive of video recorded council meetings on the city's website, as well as, in an archive located in the City Clerk's office.

2. **Written Summary:** The written summary of minutes shall be taken at all meetings of the Council and shall be recorded by the City Clerk or Deputy City Clerk. Written minutes of meetings shall be available to the Council for review and approval within 10 days from the date of such meeting. Following approval of the written minutes by the Council and before two weeks from the date of the meeting it shall be the responsibility of the City Clerk to post a digital copy of the written minutes to the city website. The City Clerk shall also maintain an archive of approved written minutes in the City Clerk's office. The written minutes of the meeting shall incorporate the following items:

- A. Meeting date and time;
- B. Roll call of Councilors present;
- C. City Officials present;
- D. List of public speakers and description of subject discussed;
- E. A summary of communications of City officials;
- F. All legislation voted on with a record of the vote;
- G. List of all topics discussed;
- H. Any motion for Executive Session, identifying the general area or areas of the subject or subjects to be considered, and the time the session commenced and concluded; and,
- I. Record of the time the meeting commenced and concluded

XVII. REVIEW AND APPROVAL OF COUNCIL RULES AND PROCEDURES

It shall be the responsibility of each newly seated Council to review and update this Rules and Procedures every two years. The review and update process shall be conducted within 90 days of the 1st day of January of the year following the election of new Council members. It will then be the responsibility of the entire Council, by a majority vote thereof, within 30 days of being presented with the proposed revision, to approve a resolution adopting the Rules and Procedures. In the event a Council fails to adopt a set of Rules and Procedures, the Council shall follow the most recently approved set of Rules and Procedures having been adopted by previous Councils.

XVIII. AMENDMENTS TO COUNCIL RULES AND PROCEDURES

One or more of these rules may be suspended, rescinded, amended or additional rules adopted at any time by a majority vote of the entire Council.